

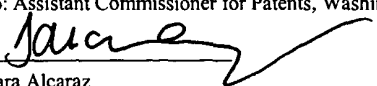
PATENT
Locket No. 220002057202
Client Ref. No. 1995-091-4

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Tamara Alcaraz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Wolfgang H. DILLMANN et al.

Serial No.: 09/664,127

Filing Date: September 18, 2000

For: GENE THERAPY FOR MYOCARDIAL
ISCHEMIA

Examiner: S. Chen

Group Art Unit: 1633

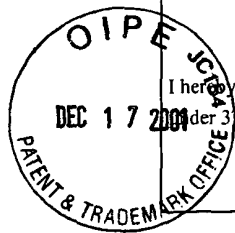
RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the non-final Office Action dated November 15, 2001 (Paper No. 2), which set forth a restriction requirement for pending claims 1-20. A response is due on December 17, 2001, (since December 15, 2001 falls on Saturday). Accordingly, this response is timely filed.

Applicants hereby elect Group I (claims 1-9), with traverse. Applicants believe that no search burden is placed upon the Examiner in searching all claims together. In fact, the Examiner has indicated that both Groups fall within the common class 435. Therefore, Applicants traverse this Restriction Requirement.



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Applicants expressly reserve his/her right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

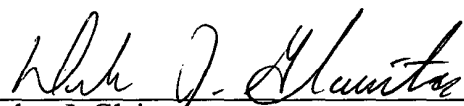
Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 220002057202. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

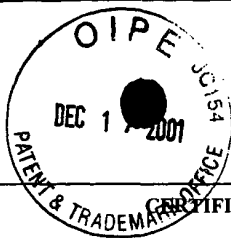
Respectfully submitted,

Dated: December 17, 2001

By:


Debra J. Glaister
Registration No. 33,888

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5725
Facsimile: (650) 494-0792



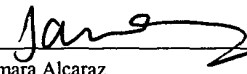
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PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Prior to examination of the above-identified application, Applicants respectfully request entry of the following amendments to the claims.